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January 17, 2001

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Mr. Rodney G. Struck  
Oregon Dept. of Environmental Quality  
2020 S.W. Fourth Ave., Suite 400  
Portland, Oregon 97201-4987

Re: Supplementary Preliminary Assessment  
Foss Maritime Company and Brix Maritime Co.  
Portland, Oregon

Dear Mr. Struck:

We received your letter with comments regarding Foss Maritime Company ("Foss") and Brix Maritime Co.'s ("Brix") Supplemental Preliminary Assessment Summary Report (the "Report") submitted to DEQ on November 18, 1999. Subsequent to our submission of the Report and the listing of Portland Harbor by EPA on the National Priorities List, both Foss and Brix received a general notice letter from EPA informing us that EPA has assumed jurisdiction over the Portland Harbor Superfund Site. The notice letter indicates that EPA will next be negotiating an Administrative Order on Consent for a Remedial Investigation/Feasibility Study to determine contamination at the Site and to analyze remedial alternatives. Foss and Brix have responded to the general notice letter and it is our understanding that we will be working with EPA with regard to our involvement, if any, in further action regarding the Site.

Even if EPA had not assumed jurisdiction over the Site, we do not believe the additional investigation requested in your letter is warranted. In submitting the Report, Foss and Brix did not request DEQ to issue a confirmation that the USTs at Brix's facility have been permanently decommissioned pursuant to OAR 340-150-0130 or a delisting decision pursuant to OAR 340-122-077, even though it is our position that the previous investigations presented in the Report are sufficient, without any additional investigation, to support such a decision by DEQ if requested. Rather, the Report is intended solely to establish that there is no evidence that Brix's operations at the facility located at 9030 N.W. St. Helens Road have at any time contributed any contaminants to the sediments of the Willamette River. It is our opinion that the Report does establish this point convincingly and we have forwarded a copy to EPA for its review. Consequently, in response to your letter dated December 19, 2000, we will not be undertaking any additional investigation at this time as we have not requested any action from DEQ with respect to this site.

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For your information, Foss has never operated at this site, therefore, Foss cannot be considered a PRP. We have already informed EPA that if there is any material data linking operations at the Brix facility to sediment contamination, Brix will consider entering into good faith negotiations regarding a *de minimis* settlement. We have not received a response at this time from EPA.

Feel free to contact me if you have any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Frank Willi-", with a horizontal line extending from the end.

Frank H. Williamson

Assistant General Counsel

Cc: Larry Johnson, Foss Maritime Company  
Elizabeth McKenna, EPA  
Wallace Reid, EPA